

Swierk, Susan L

From: Swierk, Susan L
Sent: Monday, April 28, 2008 12:55 PM
To: 'Mallin, Robert'
Subject: B&D v. Royal
Attachments: stay stip.doc

Robert –

Attached is a draft stipulation. Please let us know if you have any comments/changes. If it is acceptable, please confirm that we may sign on your behalf and we will taking care of filing. Thanks,

Raymond

Sent on Behalf of Raymond P. Niro, Jr.

by Susan Swierk, legal assistant
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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

BLACK & DECKER INC. and BLACK &
DECKER (U.S.) INC.,

Plaintiffs,

v.

ROYAL APPLIANCE MFG. CO., d/b/a
TTI FLOOR CARE NORTH AMERICA,
and TECHTRONIC INDUSTRIES CO.
LTD.,

Defendants.

Civil Action No. 08 cv 590

Judge Manning
Magistrate Judge Keys

**STIPULATION FOR STAY OF PROCEEDINGS
PENDING OUTCOME OF REEXAMINATION**

The parties have agreed to a stay of this litigation pending the outcome of the PTO's reexamination of Black & Decker's patent in suit, U.S. Patent No. 5,388,303, based upon the following:

1. Defendants will file the '303 reexamination request with the PTO no later than May 10, 2008.
2. Within thirty days of entry of the agreed upon stay, Defendants will identify to Black & Decker all prior art which forms the basis of Defendants' invalidity contentions pursuant to 35 U.S.C. § 102 and § 103. The parties recognize that additional prior art may be analyzed or uncovered in the future by Defendants, but this disclosure by Defendants will comport with the prior art that would have been identified in response to Black & Decker's first set of discovery requests or that would be identified under 35 U.S.C. § 282 if the litigation were currently at that stage of proceedings.

3. The parties will file a joint report with the Court every six months from the date of entry of the agreed upon stay regarding the status of the reexamination proceedings.

Respectfully submitted,

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